

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of

Distribution of the 2010
Cable Royalty Funds

Docket No. 2012-4 CRB CD 2010

ORDER GRANTING PHASE I CLAIMANTS' MOTION FOR PARTIAL DISTRIBUTION OF 2010 CABLE ROYALTY FUNDS

On August 3, 2012, the Copyright Royalty Judges ("Judges") published in the **Federal Register** a Notice¹ soliciting comments on a June 20, 2012, Motion of Phase I Claimants for Partial Distribution of the 2010 cable royalty funds ("Motion") under section 801(b)(3)(C) of the Copyright Act. The claimants are seeking a partial distribution of 50 percent of those funds.² In particular, the notice solicited comments on whether there are reasonable objections to the requested distribution. The notice also solicited comments on whether there would be any Phase I or Phase II controversies with respect to the remaining funds if the motion were granted.

¹ 77 FR 46527. The Phase I Claimants are the Program Suppliers, Joint Sports Claimants, Public Television Claimants, Commercial Television Claimants (represented by National Association of Broadcasters), Music Claimants (represented by American Society of Composers, Authors and Publishers, Broadcast Music, Inc., and SESAC, Inc.), Canadian Claimants, National Public Radio, and the Devotional Claimants.

² In support of their Motion, the Phase I Claimants assert that all of the preconditions of section 801(b)(3)(C) of the Copyright Act have been or will be satisfied prior to distribution.

That section provides that:

[T]he [J]udges, at any time after the filing of claims under section 111...may, upon motion of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, make a partial distribution of such fees, if, based upon all responses received during the 30-day period beginning on the date of such publication, the [Judges] conclude that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution, and all such claimants—

- (i) agree to the partial distribution;
- (ii) sign an agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination on the distribution of the fees made under subparagraph (B);
- (iii) file the agreement with the Copyright Royalty Judges; and
- (iv) agree that such funds are available for distribution.

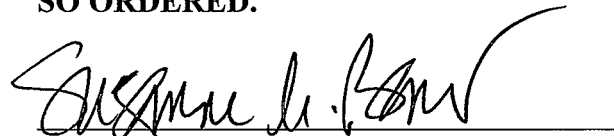
In response to the notice the Judges received joint comments from the Phase I Claimants and BMI and ASCAP, and individual comments from the Canadian Claimants Group, Commercial Television Claimants, Devotional Claimants, Joint Sports Claimants, National Public Radio, Program Suppliers, Public Television Claimants, SESAC, Independent Producers Group ("IPG"), and Word of God Fellowship, Inc. (dba Daystar Television Network). No commenter stated a reasonable objection to the proposed distribution, although some noted various outstanding controversies with respect to the 2010 cable royalty funds.

Therefore, the Motion is **GRANTED**.

Wherefore, **THE JUDGES ORDER** that 50% of the cable royalties held in the 2010 funds shall be distributed in the manner set forth in Attachment A to the Motion, which is appended to this Order.

The Copyright Office shall make such a distribution **PROVIDED THAT** each of the parties receiving a share of these funds provides to the Copyright Office a signed agreement prepared by the Copyright Royalty Board stating that the recipient shall repay to the Copyright Office any overpayment that results from the distribution of these funds, together with interest according to the amount that would have accrued if the principal had remained in the fund. In addition, all pertinent information to effect the transfer of funds must be provided to the Licensing Division of the Copyright Office no later than October 18, 2012. The distribution shall take place on or after October 25, 2012.

SO ORDERED.



Suzanne M. Barnett
Chief U.S. Copyright Royalty Judge

DATED: September 14, 2012

ATTACHMENT A

**CABLE ROYALTY DISTRIBUTION
2004-2005 BLENDED PERCENTAGES¹**

A partial distribution of 50% of the 2010 Funds should be distributed in the following percentages: NPR should first receive 0.18% of the entire amount to be distributed after which the remaining amount should be distributed as follows:

<u>CLAIMANT GROUP</u>	<u>ROYALTY FUND</u>		
	<u>BASIC</u>	<u>3.75</u>	<u>SYNDEX</u>
Program Suppliers	33.7%	36.8%	96.2%
Joint Sports Claimants	33.8%	36.9%	0.0%
U.S. Commercial Television (NAB)	16.1%	17.5%	0.0%
Public Television	7.3%	0.0%	0.0%
Music Claimants	3.8%	3.8%	3.8%
Devotional Claimants	3.4%	3.7%	0.0%
Canadian Claimants	1.9%	1.3%	0.0%

¹ These percentages have been adjusted consistent with the Copyright Royalty Judges' Order for the final distribution of 2004-2005 cable royalties. See Order, *In the Matter of Distribution of the 2004 and 2005 Cable Royalty Funds*, Dkt. No. 2007-3 CRB CD 2004-2005 (July 21, 2010), 75 Fed. Reg. 57063 (Sept. 17, 2010).

Keys, LaKeshia

From: Keys, LaKeshia
Sent: Friday, September 14, 2012 1:07 PM
To: crb
Subject: 2012-4 CRB CD 2010
Attachments: 9-14-12 Order Granting Phase I Claimants Motion for Partial Distribution of 2010 Cable Royalty Funds.pdf

Attached please find the 2012-4 CRB CD 2010 Order Granting Phase I Claimants' Motion for Partial Distribution of 2010 Cable Royalty Funds.

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Thanks,

Copyright Royalty Board

George Grange
Kenneth Liu
Gammon & Grange P.C.
8280 Greebsboro Drive, 7th Floor
McLean, VA 22102

No email
Mailed
Order a/14/12

Keys, LaKeshia

From: Microsoft Exchange
To: Murzinski, Vincent; Gina Giuffreda; crb; Richard C. Strasser; LaKeshia D. Keys
Sent: Friday, September 14, 2012 1:07 PM
Subject: Delivered: 2012-4 CRB CD 2010

Your message has been delivered to the following recipients:

Murzinski, Vincent

Gina Giuffreda

crb

Richard C. Strasser

LaKeshia D. Keys

Subject: 2012-4 CRB CD 2010

Sent by Microsoft Exchange Server 2007

Keys, LaKeshia

From: Microsoft Exchange
To: Suzanne Barnett (Chief Judge); William J Roberts
Sent: Friday, September 14, 2012 1:07 PM
Subject: Delivered: 2012-4 CRB CD 2010

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Suzanne Barnett (Chief Judge)

William J Roberts

Subject: 2012-4 CRB CD 2010

Sent by Microsoft Exchange Server 2007

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From: Mail Delivery Subsystem [MAILER-DAEMON@pps2.loc.gov]
To: robert.garrett@aporter.com; stephen.Marsh@aporter.com; JMcGivern@ascap.com; smosenkis@ascap.com; jdimona@bmi.com; ted@copyrightroyalties.com; rdove@cov.com; jstewart@crowell.com; michael.remington@dbr.com; KSatterfield@finkelsteinthompson.com; grg@gg-law.com; KEL@GG-Law.com; goo@msk.com; lhp@msk.com; glewis@npr.org; JSlocum@npr.org; Clifford.Harrington@pillsburylaw.com; jbeiter@shacklaw.net; tadams@slk-law.com
Sent: Friday, September 14, 2012 1:16 PM
Subject: Relayed: 2012-4 CRB CD 2010

Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:

robert.garrett@aporter.com

stephen.Marsh@aporter.com

JMcGivern@ascap.com

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jdimona@bmi.com

ted@copyrightroyalties.com

rdove@cov.com

jstewart@crowell.com

michael.remington@dbr.com

KSatterfield@finkelsteinthompson.com

grg@gg-law.com

KEL@GG-Law.com

goo@msk.com

lhp@msk.com

glewis@npr.org

JSlocum@npr.org

Clifford.Harrington@pillsburylaw.com

jbeiter@shacklaw.net

tadams@slk-law.com

Subject: 2012-4 CRB CD 2010

Keys, LaKeshia

From: Mail Delivery System [MAILER-DAEMON@birdlawfirm.com]
To: jmccants@birdlawfirm.com
Sent: Friday, September 14, 2012 1:08 PM
Subject: Relayed: 2012-4 CRB CD 2010

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jmccants@birdlawfirm.com

Subject: 2012-4 CRB CD 2010

Keys, LaKeshia

From: postmaster@lutzker.com
To: arnie@lutzker.com
Sent: Friday, September 14, 2012 1:08 PM
Subject: Delivered: 2012-4 CRB CD 2010

Your message has been delivered to the following recipients:

arnie@lutzker.com

Subject: 2012-4 CRB CD 2010

Keys, LaKeshia

From: Harrington, Clifford M. [clifford.harrington@pillsburylaw.com]
Sent: Friday, September 14, 2012 1:33 PM
To: crb
Subject: RE: 2012-4 CRB CD 2010

We received this one as well.

Thanks for all your help.

Cliff

Clifford M. Harrington
Chair, Communications Practice Section
Pillsbury Winthrop Shaw Pittman LLP

Tel: 202.663.8525 | Fax: 202.663.8007 | Cell: 202.744.4001
2300 N Street, N.W. | Washington, DC 20037-1128

Email: Clifford.Harrington@pillsburylaw.com
Bio: www.pillsburylaw.com/clifford.harrington
www.pillsburylaw.com

From: Keys, LaKeshia [mailto:lkey@loc.gov]
Sent: Friday, September 14, 2012 1:07 PM
To: crb
Subject: 2012-4 CRB CD 2010

Attached please find the 2012-4 CRB CD 2010 Order Granting Phase I Claimants' Motion for Partial Distribution of 2010 Cable Royalty Funds.

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From: Ted Hammerman [ted@copyrightroyalties.com]
Sent: Friday, September 14, 2012 1:17 PM
To: crb
Subject: Re: 2012-4 CRB CD 2010

Received. Thank you.

On Sep 14, 2012, at 1:06 PM, 9/14/12, Keys, LaKeshia wrote:

<9-14-12 Order Granting Phase I Claimants Motion for Partial Distribution of 2010 Cable Royalty Funds.pdf>

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copyright royalty services
a division of Hammerman PLLC

Edward S. Hammerman, Esq.
5335 Wisconsin Avenue, N.W., Suite 440
Washington, D.C. 20015-2054
Tel: 202-686-2887
Fax: 202-318-5633
Email: ted@copyrightroyalties.com
www.copyrightroyalties.com

Keys, LaKeshia


From: Greg Lewis [glewis@npr.org]
Sent: Friday, September 14, 2012 1:15 PM
To: crb
Subject: RE: 2012-4 CRB CD 2010

Thanks, LaKeshia.

Regards,

Greg

Gregory A. Lewis
Deputy General Counsel
National Public Radio, Inc.

 635 Massachusetts Avenue NW|Washington DC 20001-3753|202.513.2050 phone|202.513.3021 fax; glewis@npr.org e-mail.

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To: crb
Subject: 2012-4 CRB CD 2010

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Keys, LaKeshia

From: Plovnick, Lucy [lhp@msk.com]
Sent: Friday, September 14, 2012 2:36 PM
To: crb
Cc: Olaniran, Greg
Subject: RE: 2012-4 CRB CD 2010

Program Suppliers confirm receipt of the Order Granting Phase I Claimants' Motion for Partial Distribution of 2010 Cable Royalty Funds.

Lucy Holmes Plovnick | Partner | Mitchell Silberberg & Knupp LLP | 1818 N Street NW, 8th Floor, Washington, DC 20036 | direct: 202.355.7918 | fax: 202.355.7888 | lhp@msk.com | www.msk.com

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Sent: Friday, September 14, 2012 1:07 PM
To: crb
Subject: 2012-4 CRB CD 2010

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Keys, LaKeshia

From: Kenneth Liu [KEL@GG-Law.com]
Sent: Friday, September 14, 2012 1:42 PM
To: crb
Subject: Re: 2012-4 CRB CD 2010
Attachments: 9-14-12 Order Granting Phase I Claimants Motion for Partial Distribution of 2.pdf

Received, thank you.

Kindest regards,

Kenneth E. Liu
Director



Gammon & Grange, P.C.
8280 Greensboro Dr - 7th F
McLean, VA 22102
Phone: 703-761-5000 x.131
kel@gg-law.com
www.gg-law.com

>>> "Keys, LaKeshia" <lkey@loc.gov> 9/14/2012 1:06 PM >>>

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Keys, LaKeshia

From: Marsh, Stephen K. [Stephen.Marsh@aporter.com]
Sent: Friday, September 14, 2012 3:54 PM
To: crb
Subject: RE: 2012-4 CRB CD 2010

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From: Keys, LaKeshia [mailto:lkey@loc.gov]
Sent: Friday, September 14, 2012 1:07 PM
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Keys, LaKeshia

From: Arnold Lutzker [arnie@lutzker.com]
Sent: Friday, September 14, 2012 5:47 PM
To: crb
Subject: RE: 2012-4 CRB CD 2010

Received.
Arnie Lutzker

Arnold P. Lutzker
Lutzker & Lutzker LLP
1233 20th Street, NW, Suite 703
Washington, DC 20036
Tel: 202-408-7600 Extension 1
Fax 202-408-7677
Email: arnie@lutzker.com
Web: www.lutzker.com

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From: Keys, LaKeshia [<mailto:lkey@loc.gov>]
Sent: Friday, September 14, 2012 1:07 PM
To: crb
Subject: 2012-4 CRB CD 2010

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Keys, LaKeshia

From: Joyce Slocum [JSlocum@npr.org]
Sent: Friday, September 21, 2012 4:51 PM
To: crb
Subject: RE: 2012-4 CRB CD 2010

Received. Thank you.

NPR: Joyce D. Slocum | Chief Administrative Officer & General Counsel | jslocum@npr.org | Telephone: 202-513-2045 |
Fax: 202-513-3049

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To: crb
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